

**Amendment No. 1 to HB3282**

**Coleman**  
**Signature of Sponsor**

**AMEND Senate Bill No. 3121\***

**House Bill No. 3282**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(4)(A) is amended by deleting from the second sentence the language “made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest” and by substituting instead the language “made at the driver’s first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, unless the refusal is a misdemeanor offense in which case the determination shall be made by the court which determines whether the driver committed the offense; however, upon the motion of the state, the determination may be made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest”.

SECTION 2. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

(g)

(1) The period of license suspension for a violation of subsection (a) of this section shall run consecutive to the period of license suspension imposed following a conviction for § 55-10-401 if:

(A) The general sessions court or trial court judge determines that the driver violated subsection (a) of this section; and

(B) The judge determining the violation of subsection (a) finds that the driver has a conviction or juvenile delinquency adjudication for a violation that occurred within five (5) years of the violation of subsection (a), for:

(i) Implied consent under § 55-10-406;

- (ii) Underage driving while impaired under § 55-10 -415;
- (iii) The open container law under § 55-10-416; or
- (iv) Reckless driving under § 55-10-205, if the charged offense was § 55-10-401.

(2) In all other instances in which the same course of conduct results in a driver license being suspended for a violation of subsection (a) and for a violation of § 55-10-401, the suspension period shall run concurrently.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect January 1, 2011, the public welfare requiring it.